



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

March 18, 2015

Mr. Craig Poff
Director, Business Development
Iberdrola Renewables
Two Radnor Corporate Center
100 Matsonford Road, Suite 200
Radnor, Pennsylvania 19087

Re: Applicability of Session Law 2013-51 - Permitting of Wind Energy Facilities

Dear Mr. Poff:

N.C. Session Law 2013-51, An Act to Establish a Permitting Program for the Siting and Operation of Wind Energy Facilities, (the Act) was signed into law on May 17, 2013. The Act became effective when it became law on May 17, 2013 and applies only to those wind energy facilities or wind energy facility expansions that have not received a written "Determination of No Hazard to Air Navigation" (a determination) issued by the Federal Aviation Administration (FAA) on or before that date.

Pursuant to the Act, no person shall undertake construction, operation, or expansion activities associated with a wind energy facility in North Carolina without first obtaining a permit from the Department of Environment and Natural Resources (DENR). A wind energy facility and wind energy facility expansion which has not received a written FAA determination, as described above, prior to May 17, 2013 is subject to the wind energy facility permitting process codified under North Carolina General Statutes § 143-215.115 et al.

Based on the information you provided and the provisions of the Act, DENR has determined that Iberdrola's Desert Winds Project is subject to the State's wind energy facility permitting process. DENR welcomes the opportunity to assist Iberdrola during the wind permitting application process.

DENR is committed to protecting North Carolina's environment and natural resources. It strives to foster a collaborate stewardship among the citizens, regulators and the business community with the goal of maintaining and enhancing North Carolina's environment and natural resources for the benefit and enjoyment of everyone living in or visiting our great state.

Please contact me if you have any additional questions regarding this matter.

Sincerely,

Brad Atkinson
Energy Section Chief